

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>LYNN HARRIS,</b>	)	
	)	
Petitioner,	)	
	)	
v.	)	Civ.Act.No. 06-786-***
	)	
<b>THOMAS CARROLL</b> , Warden	)	
and <b>JOSEPH R. BIDEN, III</b> , Attorney	)	
General for the State of Delaware	)	
	)	
Respondents.	)	

**OUT OF TIME MOTION FOR EXTENSION OF TIME TO FILE**

**CERTIFIED STATE COURT RECORDS**

1. The petitioner, Lynn Harris, has applied for federal habeas relief, alleging error by the state courts. D.I. 2. The undersigned filed an answer to the petition on April 13, 2007.

2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petitioner's appeal. Respondents were ordered to file the records on or before May 15, 2007.

3. Counsel submits that he inadvertently neglected to note the date records were due in the above-titled matter on his calendar and, thus, failed to obtain and file the necessary records within the time period directed by the Court. The undersigned anticipates obtaining and copying the records on or before June 22, 2007.

4. This is respondents' SECOND request for an extension of time to file records.

5. Respondents submit that an extension of time to June 22, 2007 in which to file certified copies of the material portions of the state court records in this case is reasonable. Respondents submit herewith a proposed order.

/s/ James T. Wakley  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar. ID No. 4612

DATE: May 31, 2007

**RULE 7.1.1 CERTIFICATION**

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ James T. Wakley  
Deputy Attorney General

Counsel for Respondents

Date: May 31, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that on May 31, 2007, I electronically filed the attached documents with the Clerk of Court using CM/ECF. I also hereby certify that on May 31, 2007, I have mailed by United States Postal Service, the same documents to the following non-registered participant:

Lynn Harris  
SBI No. 297441  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

/s/ James T. Wakley  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar. ID No. 4612  
james.wakley@state.de.us

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Respondents. )

## ORDER

This \_\_\_\_ day of \_\_\_\_\_, 2007,

WHEREAS, respondents having requested an extension of time in which to file  
certified state court records

IT IS HEREBY ORDERED that certified state court records related to this matter shall be filed on or before June 22, 2007

United States District Judge